



United States Courts for the Ninth Circuit

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NEWS RELEASE

October 11, 2006

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Justice Sandra Day O'Connor to Sit with Ninth Circuit Court of Appeals

SAN FRANCISCO – Retired Associate Justice Sandra Day O'Connor of the Supreme Court of the United States will sit with judges of the U.S. Court of Appeals for the Ninth Circuit next week in San Francisco. Justice O'Connor will serve on three-judge panels hearing oral arguments on Oct. 18 and 20 in the third-floor courtrooms of the James R. Browning U.S. Courthouse, 95 Seventh Street.

"We are honored to have Justice O'Connor not only back in the Ninth Circuit, but sharing the bench with our judges in hearing appeals," said Ninth Circuit Chief Judge Mary M. Schroeder of Phoenix.

Justice O'Connor is a fellow Arizonan and was for many years the designated Supreme Court justice for the Ninth Circuit. She assumed senior status earlier this year, stepping down after nearly a quarter-century of active service on the nation's highest court.

Justice O'Connor will sit with two different panels. On Oct. 18, beginning at 9 a.m. in Courtroom Two, she will join Ninth Circuit Judges Susan P. Graber of Portland and Richard C. Tallman of Seattle in hearing oral arguments in four cases:

- *Pirkle v. National American*, in which Kenneth Pirkle appeals the district court's grant of summary judgment in favor of National American Insurance Company in his action under Nevada law arising out of an automobile accident and the ensuing insurance coverage. Pirkle, who was injured by an uninsured driver while driving his employer's vehicle during the scope of employment, contends that he is entitled to "stack" the uninsured coverage on all of his employer's 32 vehicles. The district court determined that the anti-stacking clause in the policy was valid under Nevada law, and that Pirkle was ineligible to stack the coverage in any case. Case 04-17013.
- *Laird v. Schriro*, in which Arizona state prisoner Kenneth Jeremy Laird appeals the district court's order denying his habeas corpus petition challenging his conviction of

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first-degree murder, kidnapping, burglary, theft, forgery, robbery, and trafficking in stolen property. (The district court, pursuant to *Roper v. Simmons*, granted habeas relief from Laird's death sentence.) Case 05-16509.

- *Friends of Hope Valley v. U.S. Forest Service*, in which Friends of Hope Valley appeals the district court's partial summary judgment in favor of the U.S. Forest Service in its action challenging the Forest Service's 1998 determination of the jurisdiction of Forestdale Road, an unimproved dirt road located in the Hope Valley Area of Alpine County, California, and the related management decision for the Forestdale Creek area. Friends of Hope Valley alleges violations of the National Environmental Policy Act, the National Forest Management Act, a prior stipulated judgment between the parties, and the Administrative Procedure Act. Case 04-17376.
- *United States v. Lazarenko*, in which liquidators appointed by the High Court of Antigua for Eurofed Bank, Ltd. ("Liquidators"), appeal the district court's preliminary order of forfeiture and order denying the Liquidator's motion to set immediate hearing concerning the United States government's seizure of approximately \$2.5 million in financial assets in connection with the criminal trial of former Ukrainian official Pavel Ivanovich Lazarenko. Lazarenko was convicted of money laundering. Case 06-10273.

On Oct. 20, beginning at 9 a.m. in Courtroom One, Justice O'Connor will join Ninth Circuit Judges Pamela Ann Rymer of Pasadena and Sidney R. Thomas of Billings, Montana, in hearing oral arguments in four cases:

- *Perez Fuentes v. Gonzales*, in which Edvin Rohelbi Perez Fuentes, a native and citizen of Guatemala, petitions for review of an order of the Board of Immigration Appeals affirming and adopting an immigration judge's removal order and denial of his application for asylum, withholding of removal, and protection under the Convention Against Torture. Case 04-70566.
- *Parker v. Sedona Golf*, in which, following this court's dismissal of the appeal of Port and Ella Parker (now deceased) from the district court's dismissal of their appeal of a bankruptcy court's order in 99-16926, the Estate of Ella Parker here appeals the district court's judgment affirming the bankruptcy court's order in favor of Sedona Golf Resort (SGR) and Ridge at Sedona Association of Homeowners, in the SGR and Association's quiet title action. The district court affirmed the bankruptcy court's order quieting title to real property making up an entrance driveway adjacent to the SGR. Case 04-16962.

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- *J&G Sales Ltd. v. Truscott*, in which the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") appeals the district court's order enjoining ATF from enforcing its August 4, 2003 letter to J&G Sales, Ltd., a federal firearms licensed gun dealer, requiring that it provide ATF with information about J&G's secondhand firearm purchases. In an effort to improve its gun tracing system, ATF sent such letters to firearms licensees who, in 2002, had 15 or more guns recovered by law enforcement, or traced to the dealers, within three years of sale. Case 04-16976.
- *United States v. Kelley*, in which the United States appeals from a district court order which granted a suppression motion filed by Kenneth Kelley after he was indicted on one count of possession of child pornography and one count of receiving child pornography. Case 05-10547.

The Oct. 20 panel also will consider two cases submitted on the briefs:

- *Rochin v. Barnhart*, in which Kathryn L. Rochin appeals the district court's summary judgment in favor of the Commissioner of Social Security in Rochin's action for disability insurance benefits and supplemental security income payments under Titles II and XVI of the Social Security Act. Rochin had previously worked as a transportation dispatcher and bus driver. She alleged disability due to irritable bowel syndrome, carpal tunnel syndrome with numbness in her hands, pain in her feet and legs, and depression, stress and anxiety. An administrative law judge determined that Rochin could perform her past job as a dispatcher or could work as a retail sales clerk, storage rental clerk or fast food clerk. Case 04-17024.
- *Tripathi v. McKay*, in which Arizona state prisoner Anant Kumar Tripathi appeals the district court's Fed. R. Civ. P. 50 judgment as a matter of law and related motions in favor of the County of Maricopa and various law enforcement officials in Tripathi's action, alleging various 42 U.S.C. § 1983 and 1985 and federal and state constitutional claims regarding his arrest and the seizure of his property on May 13, 1993. The district court determined that Tripathi's state law claims failed to meet the \$75,000 damages minimum to have a case heard in federal court. Case 04-17148.

The Ninth Circuit Court of Appeals regularly hears cases in Portland, San Francisco, Pasadena and Seattle, and also travels periodically to other cities within the circuit to hold court.

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